

**MILLSTONE TOWNSHIP  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
APRIL 24, 2013**

Meeting called to Order by Mr. Novellino at 7:30 p.m.

Reading of Adequate Notice by Mr. Barthelmes.

Salute to the Flag and observance of a moment of silence for the troops.

Roll Call: Present: Barthelmes, Morelli, Novellino, Bailey, Conoscenti, Mostyn and Ferro. Absent: Lambros, and Frost

Chairman Novellino announced that Board member Al Ferro had earned a Certificate for Completing the Mandatory MLUL Training Class and received a 100% on the test.

**Meeting Minutes:**

The Board Members have reviewed the prepared February 27, 2013 Meeting Minutes and Mr. Bailey made the Motion to adopt the Minutes and Mr. Ferro offered a Second: Roll call Vote: Bailey, Ferro, Mostyn, Morelli and Novellino voted yes to approve.

**Extension of Time:**

**Z13-04 CKV REALTY, LLC** – Block 57, Lot 16. Located at 33 Burnt Tavern Road consisting of 53.38 acres in the BP (Business Park) Zone. Applicant received Use Variance, Preliminary and Final Site Plan Approval to operate a nursery and retail garden center including the construction of seven (7) structures memorialized in Resolution dated May 23, 2012. Applicant returns to the Board requesting a 6-month extension of time. No noticing is required.

Nicolas C. Caliendo, Esq. representing the applicant. Mr. Caliendo explained that there were a few issues that have caused the application to fall behind schedule. He stated that the project plans have been revised and he expects the plans to be submitted to the Monmouth County Board of Health and Freehold Soil within the next thirty (30) days. The property will be cleaned up. The applicant is preparing the Conservation and Bridal Path Easements as approved by the Board.

Engineer Matt Shafai advised the Board that the applicant provided him with new plans. He explained that the project came to a halt due to the Monmouth County Board of Health's (MCBOH) review of the septic system. Applicant's Engineer is working with the MCBOH to resolve how many gallons per day the project would require. Engineer Shafai advised that after this issue is resolved, there are not too many other items left.

Attorney Vella advised that although the State of New Jersey has a Permit Extension Act, due to the environmental sensitivity of Millstone Township, the applicants must come to the Board for a request for an Extension of Time. The Extension would run to November 22, 2013.

The Board discussed that there is no reason to deny the extension.

Mr. Morelli made the Motion to grant the six month extension of time. Mr. Conoscenti offered a second. Roll Call Vote: Morelli, Conoscenti, Barthelmes, Bailey, Mostyn, Ferro and Novellino voted yes to grant the extension.

The Resolution will be memorialized at the Board of Adjustment May 22, 2013 Meeting.

**New Application:**

**Z13-02 – TLP CLIMATE CONTROL** – Block 16.01, Lot 1. Located at 400 Rike Drive consisting of 3.47 acres in the BP (Business Park) Zone. Applicant seeks to construct a 1,520 s.f. accessory garage/storage structure for TLP Climate Control. Applicant seeks Use Variance and Minor Site Plan approval to construct the accessory building. Deemed Complete 4-8-2013. Date of Action: 8-6-2013. Noticing is required.

Attorney Vella advised that he has reviewed the jurisdictional packet and finds same to be in order for the Board to accept jurisdiction over the application.

Attorney Vella read the following exhibits into evidence:

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| A-1   | Jurisdictional Packet   |
| A-2   | Web Notice  |
| A-3   | Application dated 3-26-13   |
| A-4   | Aerial of property  |
| A-5   | Survey of property with Topography dated 6/2/2012 prepared by DPK Consulting                          |
| A-6   | Minor Site Plan dated 3/19/2013 Prepared by Geller Sive and Company                                   |
| A-7   | Architectural plans prepared by Double Tree Structures, Roy M. Benjamin, P.E., dated 7/2/2013 (2 pgs) |
| BOA-1 | Engineering Report prepared by Matt Shafai, P.E. dated 4/8/2013                                       |
| BOA-2 | Planning Report prepared by Richard Coppola, P.P. dated 4/9/2013                                      |

Mr. Williams of Mehr, LaFrance and Williams representing the applicant. Mr. Williams explained that the applicant's business is located on Rike Drive in Moto Business Park. The site is developed already with two primary buildings constructed on the site. There is a wall on the site and concrete pad, which the applicant wishes to make into an enclosed storage building.

Attorney Vella swore in Michael Geller, P.E., P.P. of Geller, Sive and Company. Mr. Geller has testified before the Board in the past and they are aware of his credentials and he is accepted as an expert witness.

Mr. Geller referred to Exhibit A-6 and explained the site to the Board. The site, known as Block 16.01, Lot 1, consisting of TLP Climate Control as the primary building. A "P" shaped drive services the Park and the applicant is the first lot in the Park. There is a second building on the site that is presently occupied. In 2008, Cheer University received Use Variance approval to occupy that building. The area of the proposed shed currently consists of a three sided, six (6) foot walled area. The walls are made of split faced block. There is a waste enclosure on site adjacent to this area.

Mr. Geller explained that the proposal is to enclose the existing walls with a 26.9' x 58' x 10' building. No changes to site proposed other than the construction of the storage shed. A Use variance is required since this is not permitted in the BP zone.

Board Planner, Richard Coppola's report (Exhibit BOA-2) addressed all aspects of the application. The BP zone is limited to accessory buildings related to principal uses. This is a subordinate use on property because it will be used by TLP Climate Control for indoor storage which is not a permitted use.

Mr. Geller stated that this structure has no negative impact or any substantial impact to neighborhood or to the BP Zone. He advised that the site is suited for this use.

Mr. Geller explained that the area is presently being used for storage. The applicants want to bring the stored items indoors. He advised that there is no impact to the stormwater management plan and there is no runoff. They are taking what is outside and putting it inside. By enclosing the area, it would be attractive and neat and promote a desirable visible environment.

Mr. Geller advised that the accessory building is to be constructed on an existing concrete area explaining that is why this would be specially suited. From an aesthetic standpoint there is no change to the site. The structure would meet the setback of the zone and is below the impervious coverage allotted at 60% where 70% is permitted. Mr. Geller stated there is no impact to the area or to the zone plan. There are no changes to the site and no site improvements required.

Engineer Matt Shafai had a few comments. Regarding 2A of his report, he asked the applicant what façade materials are to be used. Mr. Geller advised foundation block, same as the principal structure and vinyl siding in the same color of the masonry units. The roof would be an asphalt shingle roof.

Mr. Shafai also asked about the building lighting. Mr. Geller advised no outdoor building lighting is proposed. The principal buildings have lights on them. Only electrical fixtures would be inside the building. He further stated that electric is already installed under the foundation.

There are four doors on the plan. The gray split face block is compatible with existing building. Asphalt attached to the steel.

Board Planner Richard Coppola stated that this is an accessory building and the architectural standard ordinance is geared more toward the principal building. Mr. Coppola concluded that the end result of this project will be much more attractive than what is there presently.

Board Attorney Greg Vella advised that outdoor storage is permitted in the BP Zone. It does not permit enclosing that outdoor storage which he stated does not make sense. Attorney Vella advised that this is not a discussion for this evening but the Board should look at this ordinance for the BP Zone when it comes time to prepare the Board's Annual Report to the Township Committee.

Planner Coppola advised that this application is fairly unique because you have an existing platform that is currently used for outdoor storage for the TLP Climate Control building. The concrete pad is already in place. He offered that this is enough of a uniqueness that the Board can find that it promotes a desirable visual environment in addition to the fact that it is being constructed atop the existing pad.

The application was open to the Board. The applicant stated that they would utilize the existing split face block walls as part of the new building.

Engineer Shafai advised that no excavating would take place because everything is already in place.

Mr. Conoscenti asked about Exhibit A-7 architectural plans. The Board members would receive a copy for their records.

Chairman Novellino opened the application to the public at 8:04 p.m. Seeing no public comment, he closed the public portion at 8:04 p.m.

Chairman Novellino advised that he had visited the site, drove around the industrial park and looked at the site from other angles. He remarked that enclosing the walled outdoor storage would be an aesthetical improvement.

Attorney Vella read the conditions of approval, including but not limited to the color of the accessory building would match the present color of the existing principal building; the roof would be asphalt to match the existing principal building, for either vehicular or material storage purposes. The Board waived the need for a bond or developer agreement for the project. They have a bond from the previous application.

Mr. Conoscenti made a Motion to approve and Mr. Ferro offered a Second. Roll Call Vote: Conoscenti, Ferro, Morelli, Bailey, Mostyn, Barthelmes and Novellino voted yes to approve the application.

**New Business:**

Planner Coppola provided the Board with updated information concerning a Tax Bill that was adopted in 2012 that has a section allowing wireless carriers to have the ability, with very little approval, to retro-fit their facilities to update them to the new technological standards. Mr. Coppola discussed some of the provisions of the Bill.

Mr. Coppola spoke about the Township Ordinance adopted in 2009. He will be speaking to the Township Committee about this matter.

Mr. Conoscenti provided an update about Board Member Barry Frost. The Board wished Mr. Frost well and looking forward to his return.

Seeing no further business, Chairman Novellino asked for a Motion to Adjourn. Mr. Morelli made the Motion, Mr. Bailey offered a Second and by unanimous, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Pamela D'Andrea